

REMARKS

After entry of this Amendment, claims 1-38 and 40-47 are pending in the application. Claims 1, 27, 37-38, 40-44, and 47 have been amended to provide proper antecedent basis as requested by the Examiner. Claim 38 has also been amendment to more particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 39 was previously cancelled without prejudice. Claims 11-26 have been withdrawn from consideration in response to an election of species requirement. Reconsideration of the application as amended is requested.

In the Office Action dated July 1, 2003, claims 1-10 and 27-47 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner requested correction of numerous "double inclusion" errors. It is submitted that the claims have been amended to remove the "double inclusion" errors noted by the Examiner. Reconsideration of the amended claims is requested.

Claims 38, and 40-43 stand rejected under 35 U.S.C. §102(b) as being anticipated by Nilsson (U.S. Patent No. 4,364,282). Claim 38 has been amended to more particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, claim 38 now recites that the improvement includes a ball nut body having elongate, generally cylindrical-shaped body portions with a common longitudinal axis and at least one parting line extending transversely with respect to the common longitudinal axis between adjacent body portions which is not anticipated, taught or rendered obvious by the Nilsson reference. The Nilsson reference discloses forming the ball nut body in two sheet metal halves (4, 5) which must be assembled to one another. Therefore, the Nilsson reference does not anticipate, teach or suggest the invention as recited in the amended claims. Reconsideration of claims 38 and 40-43 is requested.

Claims 1-10, 27-38, and 40-47 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over

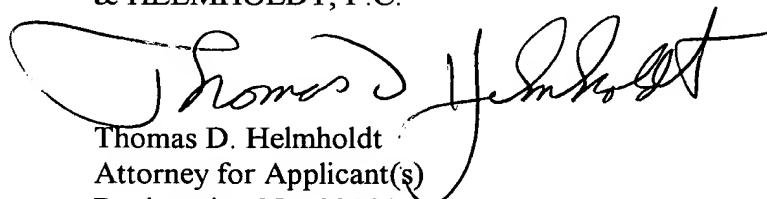
claims 1-57 of U.S. Patent No. 6,192,585. A double patenting rejection over U.S. Patent No. 6,192,585 is prohibited under 35 U.S.C. §121 as set forth in MPEP §804.01. The claims of the present application were restricted out of U.S. Patent No. 6,192,585 by the previous Examiner, and therefore cannot be considered to be patentably indistinct from each other. Reconsideration of the Examiner's non statutory double patenting rejection is requested.

It is respectfully submitted that this Amendment traverses and overcomes all of the Examiner's objections and rejections to the application as originally filed. It is further submitted that this Amendment has antecedent basis in the application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the application as amended is requested. It is respectfully submitted that this Amendment places the application in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

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